

1 E. MARTIN ESTRADA
2 United States Attorney
3 SCOTT M. GARRINGER
4 Assistant United States Attorney
5 Chief, Criminal Division
6 ELI A. ALCARAZ (Cal. Bar No. 288594)
7 Assistant United States Attorney
8 Deputy Chief, Riverside Branch Office
9 3403 Tenth Street, Suite 200
10 Riverside, California 92501
11 Telephone: (951) 276-6938
Facsimile: (951) 276-6202
Email: Eli.Alcaraz@usdoj.gov
12 FRANCES S. LEWIS (Cal. Bar No. 291055)
13 Assistant United States Attorney
Deputy Chief, General Crimes Section
312 North Spring Street
Los Angeles, California 90012
Telephone: (213) 894-4850
Facsimile: (213) 894-0141
Email: Frances.Lewis@usdoj.gov

14 Attorneys for Plaintiff
15 UNITED STATES OF AMERICA

16 UNITED STATES OF AMERICA,

ED CR No. 18-231-JGB

17 Plaintiff,

UNITED STATES' NOTICE OF LODGING
OF EXHIBIT 14 RELEVANT TO
DECLARATION OF DANIEL GREENBERG IN
SUPPORT OF OPPOSITION TO
GOVERNMENT'S MOTION IN LIMINE TO
ADMIT STATEMENTS (DKT. 222)

18 v.

19 JOHN JACOB OLIVAS,"

20 Defendant.

21 Trial Date: October 25, 2022
22 Trial Time: 9:00 a.m.
23 Location: Courtroom of the
Hon. Jesús G. Bernal

24
25 Plaintiff United States of America, by and through its counsel
26 of record, the United States Attorney for the Central District of
27 California and Assistant United States Attorneys Eli A. Alcaraz and
28 Frances S. Lewis, hereby files a Notice of Lodging of Exhibit 14

1 Relevant to the Declaration of Daniel Greenberg in Support of
2 Opposition to Government's Motion In Limine to Admit Statements (Dkt.
3 222).

4 In paragraph four of the declaration of Daniel Greenberg, Mr.
5 Greenberg asserts "I believed, at the time, that entering a plea
6 pursuant to People v. West was in Mr. Olivas's best interest. At the
7 time, I was unaware that the federal government had opened its own
8 criminal probe into the exact same allegations that gave rise to Mr.
9 Olivas's state prosecution." (Dkt. 222 ¶ 4.)

10 The lodged Exhibit 14 contains an email exchange between Mr.
11 Greenberg and the Deputy District Attorney Tara Foy (now Powell),
12 from July 2015, which was two months before defendant's September
13 2015 change of plea in the state proceedings. In the email, Mr.
14 Greenberg wrote, "I met with my client yesterday, . . . , and in
15 order to give me an opportunity to review the additional discovery
16 from the FBI, we will agree to continue the Olivas matter." (Ex. 14
17 at 1 (emphasis added).)

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The exchange between Mr. Greenberg and Ms. Foy predate the change of plea hearing where defendant made admissions that are admissible in this proceeding. The email in Exhibit 14 contradicts Mr. Greenberg's declaration in docket entry 222, in particular about his and defendant's awareness of a federal investigation, and otherwise calls into question the reliability of his sworn submission.

Dated: October 24, 2022

Respectfully submitted,

E. MARTIN ESTRADA
United States Attorney

SCOTT M. GARRINGER
Assistant United States Attorney
Chief, Criminal Division

/s/ Eli A. Alcaraz
ELI A. ALCARAZ
FRANCES S. LEWIS
Assistant United States Attorneys

Attorneys for Plaintiff
UNITED STATES OF AMERICA